Single Bench

C.F (100) (3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4401 /2004

PETITIONER :- Chhagan Singh Banjara S/o. Dayali Banjara, aged about 51 years, Asst. Gram Panchayat Officer (Secretary) Gram Panchayat Murpar, Janpad Panchayat, Mungeli, District Bilaspur (C.G.).

VERSUS

RESPONDENTS :-

1. State of Chhattisgarh Through - Secretary Panchayat and Social Welfare Department, D.K. Bhawan, Raipur (C.G.).

2. Joint Director of Panchayat and Social Welfare, District Bilaspur (C.G.)

3. Chief Executive Officer, Zila Panchayat, Bilaspur (C.G.).

P.R. No. 4394/04
Presented by Shri Reema Joshi
dated 9/11/04

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9-11-04
Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(92)

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

**WRIT PETITION NO.4401 OF 2004**

Petitioner : Chhagan Singh Banjara

versus

Respondents : State of Chhattisgarh and others

Present : Mr. K.R.Nair, counsel for the petitioner.
Mr. A.S.Kachhawaha, Government Advocate for respondents No.1 and 2.
Mr. Arun Sao, counsel for respondent No.3.

**ORDER**
(Passed on 7th Day of December, 2006)

The petitioner is an Assistant Gram Panchayat Officer (Secretary) of Gram Panchayat. The petitioner was appointed as Assistant Gram Panchayat Officer (Secretary) by the Collector. The petitioner was posted in Gram Panchayat Murpar, Janpad Panchayat Mungeli, District Bilaspur. By order dated 2-6-2004 (Annexure P-1), the petitioner was transferred to Janpad Panchayat Marwahi, District Bilaspur.

2. Being aggrieved, the petitioner filed a writ petition, being Writ Petition No.1726 of 2004. This Court, having considered the case of the petitioner, by order dated 30-7-2004 (Annexure P-2), disposed of

the writ petition granting liberty to the petitioner to make a detailed representation before the appropriate authority.

3. Respondent No.2 - the Joint Director, by order dated 20-10-2004 (Annexure P-5), considered the representation of the petitioner and rejected the same. Thereafter, by order dated 28-10-2004 (Annexure R-2), the petitioner was transferred from Gram Panchayat Murpar, Janpad Panchayat Mungeli to Janpad Panchayat Marwahi due to administrative exigencies and in public interest, pursuant to the order dated 20-10-2004 passed by the Collector (Panchayat), Bilaspur.

4. Admittedly, the Collector (Panchayat) is the appointing authority of the petitioner. The petitioner has been transferred from one Janpad Panchayat to another Janpad Panchayat within the same district in public interest and on account of administrative exigency. There is no alleged *mala fide*, non-competence of the authority passing the transfer order or violation of any rules or regulations.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

3 (94)

6. For the reasons aforementioned, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal